

TTAB

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: March 10, 2010

In re: DEMERS, DUANE
RAINVILLE

Serial No. 76664409

Filed: 8/9/2006

DUANE RAINVILLE DEMERS
PO BOX 1153
WASHINGTON, DC 20013-1153

Lalita R. Greer, Paralegal Specialist:

In view of the decision by the Trademark Examining Attorney on February 16, 2010, the appeal is resumed; and applicant is allowed until sixty days from the mailing date hereof in which to file its brief herein. A request for an oral hearing, if desired, must be made not later than ten days after the due date for applicant's reply brief.

*As scheduled above, I am requesting
an Oral Hearing. Attached Brief
is in reply to the resumed appeal.*

*Duane Rainville Demers
March 7, 2010*

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05-10-2010

Park, Jenny Examining Attorney
Law Office 116
United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
April 30, 2010
In re: MARKS: ORPHAN'S FUND FOUNDATION,
DUANE RAINVILLE DEMERS,
L'AURE (book)
#76/664409



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People as great as the Dawn
Orphan's Fund Foundation. ©

Dear: Ms. Jenny Park, Examining Attorney,

In both music and literature, peace of mind is aesthetic. Because music and literature has always been a dream of mine, writing in a clear and precise manner is also aesthetic. The other night through a lawyer referral service, I accepted a treatise legal writing that I would be writing both grave-hours—shift work. When I awoke, I question why in my dream I accepted the treatise not knowing the genetics. With due respect, the Orphan's Fund Foundation is, marginal and distinctive private school for music and literature—copyright © 2010.

About ten years ago, while I attended UDC professor Roberts, my English composition instructor, told me "you are a born writer." I took her enchant *not slanted*. I had an aesthetic *vision* at a late hour after studying that Friday night. I walked down the stair case in building 39 to see a marginal vision bounded to the door post obscuring, exiting onto the plaza. So I had to go back up to the first floor to exit the building. I decanted when shivers went through my entire body and I turned to address the *intuitive vision*. Why me? Not knowing I would be given an answer in long syllable words. Strange as this sounds, I interpreted the aesthetic *vision* to mean: I should make a name change.

The following week or so, I went down to the Superior Court and grant to publish my name change. The grant has not been easy as it sounds. But through the *aesthetic vision* I have returned to the University of the District of Columbia. Oh knowing phonetics, Mozart's symphony enchants. Yet, OFF © enchants logo phonetics: Peace of mind is property of mine.

Similarly, aesthetic writing requires lots of preplanning, planting, and polyvalent. After all these years, I still see myself marginal. I trust in peace of mind that I made in Patent and Trademark registration property of mine. Equally, its verse enchants: "Peace of Mind," Peace retrains the mind||As "gratitude" is a refrain, a melody, of my martyred Spirit||But "solitude" retains a priori: Peace of mind is property of mine, copyright © 2010. Thus, in reply to Oral Hearing presented March 10, 2010; it is in accord and I accept.

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Federal Question Presented



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Should **logotype** means "what is written" 15 USCA § 1510(f) U.S. Patent and Trademark and alike disenfranchise **interstate** Tinker v. Des Moines Iowa Independent Community School District 393 U.S. 503, 89 S. Ct. 733 (1969)?

Also, **logo centrism** alike disenfranchise denial of patent registration strikes First and Fourteenth Amendment, and psyches Lanham Trade-Mark Act in re Automatic Radio Mfg. Co., 404 F.2d 1391, 56 CCPA 817 (1969), **intrastate** that 'descriptive words may become trademarks and subject to protection as such, without inhibiting the use of the same words in a non-trade-mark sense.' Similarly, "what is written" is invoked constitutional, CHESAPEAKE CORPORATION OF VIRGINIA 57 CCPA 838, 420 F.2d 754 (1970) Patent Appeal No.8251?

drd

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Orphan's Fund Foundation PO Box 1153, Washington D.C. 200131153

State of Virginia

County of Arlington

In re: ORPHAN'S FUND FOUNDATION
DUANE RAINVILLE DEMERS
L'AUORE (book)
Serial #76678142
Filed: 8/9/2006

PERSONALLY appeared before me, the undersigned authority in and for said county and State of Virginia, who, having been being first duty sworn by the undersigned Notary Public
Deposes and says:

That the registrant is informed and believes, and on such information and belief, and in Good faith, states the following: The Examiner may accept as prima facie evidence that the Orphan's Fund Foundation has become marginal and distinctive, as used with the applicant's goods and in services is therein interstate commerce. The proof substantially is exclusive and continuous use thereof as a trademark by the applicant in interstate commerce for the five years before Date the claim of distinctiveness made. Public Law 109-312 §3(a), 120 Stat. 1732: January 11, 1995 (NO93-2076), 15 U.S.C. § 1052(f) "That the registrant provides evidence of the Mark's distinctiveness prior to registration," Lone Star Steakhouse & Saloon, Inc. v. Alpha of Virginia, Inc, 43 F 3d 922, 31 Fed R. Serv. 3d 1082, 33 U.S.P.Q 2d 1461, C.A.4 (VA).

Regarding prima facie evidence, the registrant affirms, with due respect the Orphan's Fund Foundation MARK has become marginal and distinctive and exceeds five years in intrastate commerce of the Common Wealth of Virginia and interstate commerce of the United States 15 U.S.C. A § 1052(f); 404 F.2d 1391, 56 CCPA 817 (1969), that descriptive words may become trademarks and subject to protection as such, without inhibiting the use of the same words in a non-trade-mark sense. 57 CCPA 838, 420 F2d 754(VA).

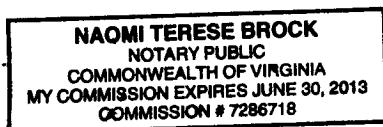
Duane Rainville Demers

SWORN to and subscribed before me, this 7th day of May, 2010
I am requesting an Oral Hearing as outlined.

NOTARY PUBLIC

Naomi Terese Brock

My Commission Expires: June 30, 2013



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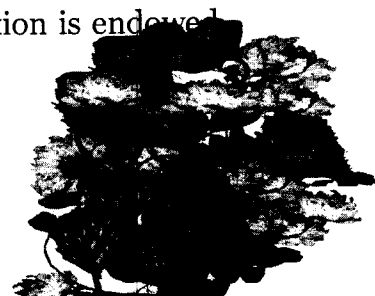


La de'claration de notre mission

In *Tinker v. Des Moines Independent Community School District*, the Court invalidated the suspension of a high school student who wore a black arm-band in protest of the Vietnam War (393 U.S. 503, 89 S. Ct. 733, 21 L. Ed.2d 731 (1969)). Although the above endowment is an educational foundation, it is similar as founded upon peace. The *aesthetic vision*, First Amendment right, to education comes through peaceful means; declaration a private school for orphans' aesthetics; the sense of beauty *is important*. Without aesthetics learning is nearly invisible. Aesthetics is similar to ownership. Without ownership, there is no peace of mind. The war may be at all fronts, but peace of mind opens the mind to aesthetics. I cannot speak for those who believe peace comes through war because the war lords bequeath casualties and sacrifice. But peace of mind has an ending all to its own. So why not teach orphans music and the aesthetic quality of literature like jurisprudence?

The federal and state governments not only spend more tax dollars for prisons than education, but also tip the scale for recidivism of drug reforms to "user dealers" and the judiciary criminality deficit exceeds both prison and education tax dollars. But to recovery of tax dollars in those early years debilitates recidivism. Therefore, the plan is prudence a private school for orphans to learn music and aesthetic quality of literature like jurisprudence. If orphans are the leftovers of imprudence, than the federal and state governments whatever means they offer is affluent. Our plan is to give orphans' music and literature in those early years' of prudence. We must have "empathy" and "solitude." The Foresight of the Orphan's Fund Foundation is endowed

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through its endowment. Our mission is self-evident that our beatitude is "gratitude" and our servitude is the mission of the Orphan's Fund Foundation. Copyright © 2010 drd

La vitrine des marginaux

Des Moines Independent Community School District,
393 U.S. 503, 89 S. Ct. 733, 21 L. Ed. 2d 731 (1969).

Chesapeake Corp. of Virginia
420 F.2d 754, 164 USPQ 395 (1970)

Mattress Operating Corp.
240 F.3d 1334, 1347, 57 USPQ2d 1807, 1812 (2001)

Flavor Corp. of America v. Kemin Industries, Inc.
493 F.2d 275, 181 USPQ 289 (1974)

Yamaha Inrern. Corp. v. Hoshino Gakki Co., Ltd.
840 F.2d 1572, 6 USPQ 2d 1001 (1988)

Bongrain Intern, (American) Corp.
894 F.2d 1316, 13 USPQ 2d 1727 (1990)

Community of Roquefort v. William Faehndrich, Inc.
303 F.2d 494, 133 USPQ 633 (1962)

In re Bed & Breakfast Registry,
791 F.2d 157, 229 USPQ 818 (1986)

Hoover Co. v. Royal Appliance Mfg. Co.
238 F.3d 1357, 57 USPQ 2d 1720 (2001)

Soccer Sport Supply Co. Inc.
507 F.2d 1400, 184 USPQ 345 (1975)

Transgo, Inc. v. Ajac Transmission Parts Corp.
768 F. 2d 1001, 227 USPQ 598 (1985)

Premier Electronics Lab v. Aaton,
686 F. Supp. 815, 5 USPQ 2d 1752 (1987)



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In re Wada

194 F.3d 1297, 52 USPQ 2d 1539 (1999)

In re MBNA America Bank, N.A.

340 F.3d 1328, 67 USPQ 2d 1778 (2003)

Burke-Parsons-Bowlby Corp. v. Appalachian Log Homes Inc.

871 F.2d 590, 10 USPQ 2d 1443 (1989)

Union Carbide Corp. v. Ever-Ready Inc.

531 F.2d 366, 188 USPQ 623 (1976)

Andes Candies Inc.

478 F.2d 1264, 178 USPQ 156 (1973)

California Cooler, Inc. v. Loretto Winery, Ltd.

774 F.2d 1451, 227 USPQ 808 (1985)

Gold Seal Co. v. Weeks,

129 F. Supp. 928, 105 USPQ 407 (1955)

Union Carbide Corp. v. Ever-Ready Inc.

392 F. Supp. 280, 185 USPQ 464 (1975)

In re K-T Zoe Furniture Inc.

16 F.3d 390, 29 USPQ 2d 1787 (1994)

American Heritage Life Ins. Co. v. Heritage Life Ins. Co.

494 F.2d 3, 182 USPQ 77 (1974)

Jean Patou, Inc. v. Jacqueline Cochran, Inc.

201 F. Supp. 861, 133 USPQ 242 (1962)

Deister Concentrator Co.,

289 F.2d 496, 129 USPQ 314 (1961)

Sun Oil Co.

426 F.2d 401, 165 USPQ 718 (1970)

In re Deister Concentrator Co.

289 F.2d 496, 48 CCPA 952, 963 (1965)

Sears, Roebuck & Co. v. Watson

204 F.2d 32, 92 US App. D.C. 134, 96 USPQ 360 (1953)

Miller Brewing Co. v. G. Heileman Brewing Co., Inc.

561 F.2d 75, 195 USPQ 281 (1977)

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Baba Co. v. Montgomery Ward & Co.
426 F.2d 8, 165 USPQ 483 (1970)

Armstrong Paint & Varnish Works v. Nu—Enamel Corp.,
305 US 315, 59 S.Ct. 191, 83 L.Ed. 195 (1938)

Department of Parks and Recreation for State of California v.
Bazaar Del Mundo Inc, 448 F.3d 1118, 78 USPQ1887 (2006)

Flavor Corp. of America v. Kemin Industries, Inc.,
358 F.Supp. 1114, 177 USPQ 658 (1973)
McCormick & Co. v. Summers
354 F.2d 668, 148 USPQ 272 (1966).

Schmidt v. Quigg,
609 F.Supp. 227, 226 USPQ 518 (1985)

PaperCutter, Inc. v. Fay's Drug Co. , Inc.
900 F.2d 558, 14 USPQ 2d 1450 (1990)

Park 'N Fly, Inc. v. Dollar Park and Fly, Inc.
469 US 189, 105 S.Ct. 658, 83 L.Ed 589, (1985)

Whereas, peace of mind has no split personality or double character, and logo centrist. Within peace of mind is property of mine. Only peace retrains the mind not personality adversity— war ergo. We can only have peace of mind through gratitude, solitude, and priori. That peace of mind is property of mine. That power and spoils fades away. I had to write five-hundred pages compiling ten years of work before I found the mission of the Orphan's Fund Foundation's peace of mind. Also, peace of mind is affluent in music and literature curriculum—marginal peace of mind is property of mine.

According to March 10, 2010 accord; I would be interested in an Oral Hearing at the Board of Examiners. Also, I would like to thank the Patent and Trademark Office on behalf of the Orphan's Fund Foundation and registration.

The logo phonetics aesthetics is marginal:

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May I share a passing thought with you?
Life is but the scent of the wildflowers
Blowing in the wind.

The seasons flounder the wildflowers
Entwine. It is not uncommon to hear them
Blowing in the wind.

The fragrant grows the seasons toll
And the mystery unfolds; the joy of life
Unsurpassed the wildflowers found
Blowing in the wind.

Life seems so easy to the birds' bee, trees
Those Blue Ridge weeds, those smart weeds
That grow around hedges and fences

Yet gratitude is so obscured
As individual rights tend to be . . .
Indeed I am free because I think I am free
This individual person most desires to be . . .

In fact, "gratitude" is a State of Being as
"Freedom" is a State of Seeing.

drd

Whereas, peace of mind is a profile of mine. It has no split personality, double character, and logo centrism. Within peace of mind is property of mine. Only peace retrains the mind—not war. Adversary will show its true colors in times of war. In fact, we can only have peace of mind through gratitude, solitude, and priori. That peace of mind is property of mine. That power and wealth fades away. I had to write five-hundred pages compiling ten years of work before I found the mission of the Orphan's Fund Foundation's peace of mind. Peace of mind is invested in music and literature curriculum—marginal peace of mind is property of mine.

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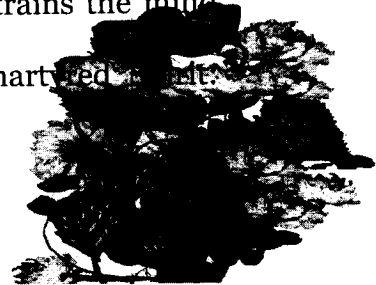


Borne Bitter

Ralph Ellison's use of logo centrism in *Invisible Man* (1981) leaves unanswered his "*prophetic writing's* language," his marginality and his language of usage reprieves peace of mind. If he could predict beforehand, would his forecast be without doubt? Ellison had a gift to entice young people to believe he held the answers and he traveled extensively to colleges, universities, and carcass to discuss his portrait, "*what is written*," is profiled—crime in literature. Although his crime in literature failed portrayal, he carried his knife (9). "If you're going to kill me"(10), the American Communist Party flailed ergo, Langston Hughes, Augusta Savage, the painter Aaron Douglas and Paul Robeson "had Party membership or maintained regular meaningful contact with the Party" (Arnold Rampersad 92).

The criminality of crime in literature is power (27, Morel) "Power is confident, self-assuring, self-starting and self-stopping, self-warming and self-justifying" (Ellison 142) sealed with the Greek word logo ("what is written"). But peace of mind is wailful on the premise that the primary motivational force of individuality is peace of mind. The following victim's impact verse is compiled from 500 pages (ten years of work) represents the mission of the Orphan's Fund Foundation©: Peace retrains the mind LIFE is mine. And GRATITUDE is a refrain—a melody of my martyred spirit.

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LIBERTY is mine. But SOLITUDE retains a PRIORI priority; peace of mind is PROPERTY of mine. . . "the designation was not so highly descriptive as to be incapable of registration as a trademark," 57 CCPA 838, 420 F.2d 754.

Ellison's Invisible Man perpetrates "crime in literature," eccentrics where Alice Walker's "Everyday Use" crocus prorates pleasure. Richard Wright's "Native Son" hocus pocus profiles power. His brothers would like to believe in Ellison's philosophy (183) *will of power and/or will of pleasure* impersonality. But in criminology power and/or pleasure has precedent, *plat du jour*. That old adage holds, pleasure and/or power is fair in love and war. Ellison's Battle Royal empowers recidivism galore that has no limits so the drama manifests attitudinal irony. Self-reliance is what we can do for others not what power and/or pleasure can do for us. "Something strange and miraculous and transforming is taking place in me right now . . . as I stand here before you!" (Ellison 345), "we shall overrun," (Ellison Juneteenth, "Notes," 352). Logo `is "what is written." Logo centrist invades the extremes of right and left by taking a moderate position. But peace of mind previews the American dream. Ellison could speak to young people and motivate them to work hard and strike that goal.

Our nature "will for life" is our mission. Life is rehearsal to walk, talk and stalk "peace of mind." Poetry is forum like music forms literature. Whereas, "will to power" manifests "will to pleasure" both drums echo war. Another old adage is that "might is right." And power to take life is noble like might is "nobility." Ellison's Invisible Man unveils greed "drums podium power" as "pleasure drums sedum." Neither "power" nor



does "pleasure" agree. No matter what disagreed is turned on both breed losers' greed felons. Crime in literature is divisible—vitalized.

Ralph Waldo Ellison's legacy of Invisible Man is "what is written." Became his logo centrism has two sides divisible with two personalities; his subjects are left with a split personality not knowing which side they are on. The technique gives Ellison the role of a séance a spiritualist communicating with the spirits power and pleasure of the dead. But his role in politics manifest his the upper hand, so to speak, over other black writers and his work becomes unique as his subjects want to know how he thinks and buys his crime in literature in Invisible Man. That money is the source of his greed for power as a black writer. Ellison's wisdom points to a perpetrator member of the American Communist Party. He came to hate and abhor capitalists, but became a capitalist. With experience in politics, he toured colleges and universities to speak on crime in literature regarding race and civil rights. He spoke in favor of minority. But spoke out against political separatism. Even though the issues were controversial, he stepped aside when death became nationalism.

The outlook of Ellison's séance is his crime in literature put down in words "what is written" about the white and black issue or the black and white standoff. In Invisible Man gives his subjects his analysis within a denotative and connotative test where his double personality lies.

Whereas, peace of mind has no split personality or double character, within peace of mind is property of mine. Only peace retrains the mind not personality adversary war. Remember, we can only have peace of mind through gratitude, solitude, and

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That peace of mind is property of mine. That power and wealth fades away. I had to write five-hundred pages compiling ten years of work before I found the mission of the Orphan's Fund Foundation's peace of mind. Peace of mind is found in music and literature curriculum—marginal peace of mind is property of mine.

Works Cited

Ralph Ellison Invisible Man
Vintage International Edition, March 1995

Lucas E. Morel Ralph Ellison and the Raft of Hope
The University Press of Kentucky 2004

Arnold Rampersad A Biography Ralph Ellison
Borzoi Book, Alfred A. Knopf, Publisher, New York 2007

Juneteenth (New York, 1999) is **Ralph Ellison's** posthumous publication composed of nearly four decades and thousands of pages of work. The book was started in 1955. Pieces of **Juneteenth** were published during his four decades of work. ... **Juneteenth: Ralph Ellison Biography ... Ralph Ellison** and the American Canon...

- 4 sec @ 56kwww.enotes.com/**juneteenth**

Juneteenth The Structure of **Ralph Ellison's Juneteenth**

Juneteenth: Ralph Ellison Biography ... Ralph Ellison and the American Canon ... Home > **Juneteenth** Summary & Study Guide > Essays and Criticism > The Structure of **Ralph Ellison's Juneteenth...**

- 12 sec @ 56kwww.enotes.com/**juneteenth/structure-ralph-ellison**

Amazon.com: **Juneteenth: A Novel** (9780394464572): **Ralph Ellison**:

2.0 out of 5 stars Brilliantly Disappointing; Although **Ralph Ellison's** prose is masterfully, I found the body of work within **Juneteenth** to be disjointed and nonlinear in scope.

- 4 sec @ 56kwww.amazon.com/**Juneteenth-Novel-Ralph-Ellison/dp/039446...**

Juneteenth

Ralph Ellison, who died five years ago at the age of 81, is at this moment singing a graveyard blues. I cannot prove this of course. ... So now we have **Juneteenth**, the novel that **Ellison's** executor, John Callahan, has ably quarried from that mountain. The book is more than **Ellison's** fans could expect, yet less than...

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link - 21 sec @ 56kbostonreview.net/BR24.3/saul.html

Ralph Ellison

Ralph (Waldo) **Ellison** (1914-1994) ... **Ralph** Waldo **Ellison** was born in Oklahoma City, Oklahoma. Lewis Ellison, his father, named his son after the famous American poet and philosopher **Ralph** Waldo Emerson, ... **Ellison's** second novel, **JUNETEENTH** (1999), was planned as a trilogy, but was left unfinished at his death.

kirjasto.sci.fi/**rellison**.htm

Juneteenth Study Guide by **Ralph Ellison** Study Guide

Juneteenth Study Guide by **Ralph Ellison**. **Juneteenth** study guide, including 76 pages of chapter summaries, essays, quotes, and more. ... **Juneteenth** Study Guide consists of approx. 76 pages of summaries and analysis on **Juneteenth** by **Ralph Ellison**. Browse the literature study guide below:

www.bookrags.com/studyguide-**juneteenth**/

Online NewsHour: **Ralph Ellison's** Legacy -- July 21, 1999

ELIZABETH FARNSWORTH: And we turn to the editor of **Juneteenth**. He is John Callahan, **Ralph Ellison's** literary executor, and to Charles Johnson, professor of humanities at the University of Washington, whose novel Middle Passage won the National Book Award in 1990. Thank you both for being with us.

link - 36 sec @ 56kwww.pbs.org/newshour/bb/entertainment/jan-june99/**elliso**... · Cached

ReadingGroupGuides.com - **Juneteenth** by **Ralph Ellison**

Juneteenth ; by **Ralph Ellison**; List Price: \$14.00; Pages: 400; Format: Paperback ; ISBN: 0375707549; Publisher: Vintage Books ; ... From **Ralph Ellison**--author of the classic novel of

